

VZCZCXRO0368

RR RUEHAST RUEHBI RUEHCI RUEHDBU RUEHLH RUEHLN RUEHNEH RUEHPW RUEHSK
RUEHVK RUEHYG
DE RUEHEK #0224/01 0751021
ZNR UUUUU ZZH
R 161021Z MAR 09
FM AMEMBASSY BISHKEK
TO RUEHC/SECSTATE WASHDC 1949
INFO RUCNCIS/CIS COLLECTIVE
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUEHAD/AMEMBASSY ABU DHABI 0154
RUEHAK/AMEMBASSY ANKARA 0776
RUEHTH/AMEMBASSY ATHENS 0119
RUEHBK/AMEMBASSY BANGKOK 0151
RUEHBJ/AMEMBASSY BEIJING 2955
RUEHRL/AMEMBASSY BERLIN 0764
RUEHDM/AMEMBASSY DAMASCUS 0068
RUEHNC/AMEMBASSY NICOSIA 0074
RUEHUL/AMEMBASSY SEOUL 0226
RUEHDE/AMCONSUL DUBAI 0168
RHMFIUU/DEPT OF HOMELAND SECURITY WASHINGTON DC
RUEAWJA/DEPT OF JUSTICE WASHDC
RUEHC/DEPT OF LABOR WASHDC
RUEATRS/DEPT OF TREASURY WASHDC

UNCLAS SECTION 01 OF 22 BISHKEK 000224

SENSITIVE
SIPDIS

DEPT FOR G/TIP, G-ACBlank, G, DRL, INL, PRM, SCA/RA, SCA/CEN
STATE PLEASE PASS TO USAID

E.O. 12958: N/A
TAGS: [KTIP](#) [KCRM](#) [PHUM](#) [KWMN](#) [ELAB](#) [SMIG](#) [KFRD](#) [PREF](#) [ASEC](#) [KG](#)
SUBJECT: KYRGYZSTAN 2009 TRAFFICKING IN PERSONS (TIP) REPORT

Ref: State 132759

BISHKEK 00000224 001.2 OF 022

11. (SBU) Following is Embassy Bishkek's 2009 Trafficking in Persons report. The report follows the response format outlined in reftel.

U.S. Embassy Bishkek trafficking point of contact:
Valerie J. Chittenden, Consul
Tel: (996-312) 551-241 x 4441
Fax: (996-312) 551-264
Email: ChittendenVJ@state.gov
Number of hours spent on report preparation: CONS Section: 80; P/E Section: 8.

12. (SBU) Begin text:

THE COUNTRY'S TIP SITUATION:

1A. What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

Reliable data on the number of people trafficked is unavailable because no baseline study has been conducted since 1999. The International Organization of Migration (IOM) and the Kyrgyz State Committee on Migration and employment (SCME) gather trafficking information in their efforts to combat it. Gathering data on the number of Kyrgyz trafficking victims is further complicated by the fact that citizens of other Central Asian countries, such as Uzbekistan, often purchase old Kyrgyz passports for use in lieu of their own national travel document - causing victims to be misidentified in destination countries.

1B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or

children? Does trafficking occur within the country's borders? If so, does internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

In September 2008, the Kyrgyz Parliament passed a new National Action Plan against Human Trafficking. The goals of the Action Plan are to improve the existing TIP legislation by widening the definition of trafficking in persons, the increase public awareness, to continue to fight trafficking and to increase the social protections and assistance to TIP victims. With this Action Plan and other measures, the Government has been taking steps during the reporting period to address the issue of trafficking in persons

Kyrgyzstan is a country of origin and transit, and, to a lesser degree, destination for internationally trafficked people. Internal trafficking for both labor and sexual exploitation also occurs, generally from poor rural areas to larger cities such as Bishkek in the north and Osh in the south. There are no areas within the country that are outside of government control.

According to IOM, NGOs, and the government, most frequently individuals are trafficked to Kazakhstan (to work in the agricultural sector, mostly on tobacco fields), Russia (industry, commerce, construction) and China (bonded labor); and to the UAE, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria for sexual exploitation. IOM estimates that up to 4,000 Kyrgyz women work in the UAE as prostitutes; however, it is uncertain how

BISHKEK 00000224 002.2 OF 022

many of those women were trafficked. Most of these women are presumed to be victims of trafficking, although no reliable studies on the actual number of trafficking victims has been conducted. A significant number of trafficking victims are also presumed to be working in Kazakhstan and Russia, where large numbers of Kyrgyz labor migrants work on farms (in Kazakhstan) and in trading, construction, and factories (in Russia). By various estimates, the number of Kyrgyz labor migrants currently working in Kazakhstan range from 30,000-300,000, depending on the season. Another 250,000-400,000 Kyrgyz citizens are estimated to be working in Russia. The bulk of these are economic migrants, given the high unemployment and relatively stagnant economy in Kyrgyzstan, and are not trafficked. The precise number of those Kyrgyz citizens working in Russia and Kazakhstan who may be victims of trafficking is, however, unknown. The State Committee on Migration and Employment (SCME) maintains a presence in Kyrgyz Embassies and Consulates in Russia as well as individual offices in Russian cities with large number of Kyrgyz workers. These offices provide assistance to Kyrgyz workers who may or may not be subject to labor exploitation. During this past year, the SCME opened new offices in Orenburg, Novosibirsk, and Krasnoyarsk in addition to their offices in Moscow, St. Petersburg and Yekaterinburg. Numerous government officials and NGOs have noted, however, that the large numbers of Kyrgyz citizens working in Kazakhstan and Russia is a net positive for the country since it significantly reduces the number of unemployed people in Kyrgyzstan and at the same time provides much needed remittances to the families of migrant workers. Local press reports indicate that the total amount of money remitted from Kyrgyz citizens abroad ranges from \$700 million to \$1 billion for 2008. Most Kyrgyz citizens working in Kazakhstan, and to a lesser extent in Russia, do so on a seasonal basis, usually returning to Kyrgyzstan for the winter.

Kyrgyzstan is a transit country for smaller numbers of trafficking victims from Uzbekistan, Tajikistan, Turkmenistan, and South Asia to Russia, the UAE, Turkey and both Eastern and Western Europe. During the past year Kyrgyzstan, particularly the city of Osh, was a destination and transit point for women trafficked from Uzbekistan for purposes of sexual exploitation.

Both NGOs and representatives from the Kyrgyz government characterize TIP as remaining a steady problem during the reporting period. While there were no significant increases or decreases, there was marked activity in prosecuting TIP cases. According to the General Prosecutor's Office, 17 criminal cases were opened in 2008; 40% of those investigations were transferred to trial. Twelve individuals were convicted, while only one criminal case was dropped. In two of the cases, the suspects fled abroad and the trials were suspended. In previous years, gathering such statistical data was incredibly difficult, and often resulted in no data to report. The Prosecutor General's office not only provided statistics, but listings in each case showing that TIP cases were prosecuted in five of Kyrgyzstan's seven provinces.

The number of people working illegally in Russia and Kazakhstan has been declining during the last four years as channels for legal labor migration expanded due to bilateral agreements on labor migration with these two countries. In 2005, Russia passed legislation giving a preferential treatment to Kyrgyz citizen workers in Russia. The Kyrgyz government had worked closely with the Russian government to secure passage of the measure as a means of better protecting Kyrgyz workers in Russia. In 2006, the Kyrgyz government reached an agreement with Russian authorities simplifying rules for crossing the Russian border: starting Nov. 1, 2007, Kyrgyz citizens were authorized visa-free passage across the border using their domestic passport or identification card. Additionally, the SCME has worked to develop electronic means for Kyrgyz workers to receive their salary - in order to ease remittances back to Kyrgyzstan but also to decrease vulnerability to robbery and forced labor. The Kyrgyz government continues to work with the Russian and Kazakh governments to protect its citizens working in those countries. According to the Chairperson of the SCME, Kyrgyzstan

BISHKEK 00000224 003.2 OF 022

actively worked with the governor of Almatinsky Province in Kazakhstan to reduce the number of Kyrgyz citizens working on tobacco plantations in Kazakhstan. As noted above, tobacco plantations are among the primary TIP destinations for Kyrgyz workers in Kazakhstan. Through their efforts, the SCME reduced the numbers of such workers from an estimated 10,000 in 2006 to an estimated 3,000 workers presently. It is not known how many of these workers may have been victims of TIP.

NGOs and the Kazakh government reported an increase in the flow of legal labor migrants from Kyrgyzstan during the past three years, especially in spring and summer. The number of officially registered Kyrgyz migrants in Kazakhstan has increased by 30 percent. According to IOM's Bishkek office, approximately 70 percent of Kyrgyz migrants to Kazakhstan work on a contractual basis, with the other 30 percent working with only verbal contracts. Most Kyrgyz migrants work as traders at markets or perform unskilled labor in the agricultural and construction sectors of Kazakhstan; a smaller group includes young people working in the IT sector, consulting companies and businesses requiring special skills.

In February 2007, the government announced the decision of the South Korean government to include Kyrgyzstan on its official list of countries exporting labor into the country, allowing Kyrgyz labor migrants to work legally in Korea. Previously, Kyrgyzstan had a quota of 400 labor migrants, but the actual number was thought to be much higher. Despite these new legal protections, the SCME reported several cases of trafficking including one group of athletes who are currently awaiting repatriation from South Korea.

Bride kidnapping is also part of the trafficking problem in the Kyrgyz Republic because it involves, in many cases, forced marriage and movement - even if it only occurs within the same oblast or town. Increased reports of bride kidnappings have been attributed to a weak economy, as young men cannot afford to marry according to traditional practices. Bride kidnapping is considered to be a part of Kyrgyz culture even though it only reportedly became prevalent in the last 200 years. A 2003 study indicated that the problem is particularly severe in northern Kyrgyzstan. Research indicates that up to one-third of ethnic Kyrgyz women in northern Kyrgyzstan may be married against their will as a

result of bride kidnapping. Another 20 percent of marriages among ethnic Kyrgyz are the result of consensual bride kidnapping, which is done by some out of respect for tradition. During the past reporting period, a US citizen was the victim of bride kidnapping and was held against her will for several days before she escaped. While it is typical for a group of young men to actually perform the kidnapping, it is not unusual for female relatives to assist them - sometimes urging the "bride" to just give in. According to NGOs (Healthy Generation and Spravedlivost), seven out of ten couples married through bride kidnapping eventually get divorced. Women who refuse to acquiesce can face rejection from their families, and intense ostracism - thus making them a vulnerable part of the population.

E. What kind of conditions are the victims trafficked into?

The conditions victims are trafficked into vary by destination and the type of exploitation. In a book published in 2007 by the International Organization for Migration (IOM) entitled "Two Kyrgyz Women," the author interviewed TIP victims and described the circumstances of victims of labor and sexual exploitation. Victims, who were trafficked to Kazakhstan and sometimes Russia, face long overland journeys in crowded vans or buses that can last for days with no break in the trip. Workers on Kazakh farms described living in communal mud huts with no running water or electricity and being forced to work long hours in extreme weather conditions. Female farm workers faced the constant threat of rape in addition to forced labor. In "Two Kyrgyz Women," the victim of sexual exploitation told of being kept in a communal apartment in Dubai, and that she

BISHKEK 00000224 004.2 OF 022

was only allowed out to hotels and bars to attract customers.

D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

Residents of poor rural areas of the country, particularly in the south, are most vulnerable to labor trafficking to Kazakhstan and Russia. Poor ethnic Kyrgyz women from impoverished areas are the most frequent victims of sexual trafficking. According to IOM, of the 117 victims of trafficking in 2008, 82 were men while 35 were women. Of the 117 cases, 99 involved forced labor.

Victims are trafficked from all areas of the country, with southern Kyrgyzstan in particular being the largest source area for trafficking victims; the majority of trafficking victims were believed to be victims of labor trafficking. International Organization for Migration (IOM) estimates that about 70 percent of TIP victims are from the southern provinces of Batken, Jalalabad, and Osh, where unemployment rates are the highest.

Populations targeted by traffickers include women of both Slavic and Central Asian (Kyrgyz, Tajik and Uzbek) ethnicities, especially in the 18-25 age group. Unemployed poor people, particularly from southern Kyrgyzstan and rural areas, are also heavily targeted for seasonal agricultural work in Kazakhstan and for construction and industrial sector work in Russia. Press reports during the reporting period indicate that traffickers range from individuals or family-based syndicates to well-organized groups.

E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

NGOs and government sources reported that agencies offering employment abroad, travel, and modeling contracts often serve as fronts for trafficking operations. NGOs and the government also cited agencies that promote work or marriage abroad as the main conduits for trafficking victims for sexual exploitation. Such companies place advertisements in the media about marriage to foreigners, high salaries working in restaurants or as domestic servants to lure recruits. Women trafficked into prostitution are frequently recruited by former trafficking victims themselves, who now work for or become traffickers.

Recruiters for labor migrants often go to villages where jobs are scarce and call out for recruits over loudspeakers. In Bishkek and other cities, labor recruiters will "advertise" available positions and salaries via announcements on the public address systems at major bazaars where people congregate. Recruits are then bused to Kazakhstan for work on farms. Agricultural workers are also often recruited by word of mouth after recruiters spread rumors of lucrative work abroad. An unknown number of these labor migrants may become trafficking victims.

Traffickers usually provide travel documents, including passports and visas. In the case of women trafficked to the UAE, traffickers provide forged travel documents indicating an older age for the victims in an effort to bypass the UAE regulations.

BISHKEK 00000224 005.2 OF 022

In the past there were reports of blank Kyrgyz passports stolen from passport agencies. Later, investigation of several TIP cases revealed that traffickers used the stolen passports. The availability for purchase of Kyrgyz passports led to the US government ceasing to recognize it as a travel document in 2004. Not only was the pre-2004 passport widely sold, but the lack of security features led to rampant forgery. While the US and the UK do not recognize this passport and the Kyrgyz government has ceased to issue it, the pre-2004 passport is still accepted for travel to most Schengen countries and the UAE until 2010. Kyrgyz citizens have the option of continuing to extend this passport for use until 2011. Kyrgyz citizens do not need a passport to travel to Russia or Kazakhstan and often cross the border without any documentation - thus making them more vulnerable to traffickers. Recent prosecutions indicate that this "old style" Kyrgyz passport is still the tool of choice of traffickers. Kyrgyz passports are used by Kyrgyz, Uzbek and other Central Asian groups. In fact at a May 2008 regional conference in Tashkent, Uzbek authorities specifically raised the issue of the availability of the old Kyrgyz passports and stated that large numbers of Uzbek TIP victims make use of this document. This can often lead to misidentification of the nationality of TIP victims in destination countries.

**SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP
EFFORTS:**

1A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government acknowledges that trafficking is a problem in the Kyrgyz Republic. In addition to existing legislation that specifically outlaws trafficking in persons, Parliament passed a new National Action Plan in September 2008 to continue its efforts to fight human trafficking.

1B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Office of the Prosecutor General, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the National Security Service, the National Border Service, the Customs Agency, the Ministry of Labor and Social Protection, the Ministry of Education, the Ministry of Health, and local administrations are all involved

with anti-trafficking efforts. The law on Prevention and Combating Trafficking in Persons, adopted in 2005, specifically states the role of each Ministry and office in combating TIP. The State Committee of Migration and Employment is the lead agency in coordinating anti-TIP actions. It replaced the National Council on Fighting Human Trafficking. The State Committee on Migration and Employment (SCME) is the only agency that has adequate staffing and works continuously on TIP. The Committee has regional offices in all seven oblasts and in Bishkek.

¶C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The government's ability to address TIP was limited by significant changes that followed the "Tulip Revolution" of March 2005. Continued economic stresses limit the amount of financial assistance the government can provide to normal citizens in need, much less victims of trafficking. According to estimates, the Kyrgyz budget in 2009 will face a potential budget deficit of \$212.2 million. Changes in the structure of the government, a continued high turnover of individuals responsible for conducting/coordinating anti-TIP activities, and the lack of staff with experience in dealing with TIP issues delayed

BISHKEK 00000224 006.2 OF 022

anti-TIP activities at that time. Kyrgyzstan adopted a new constitution in October 2007. There were pre-term parliamentary elections and a new prime minister and cabinet were appointed in December 2007. Inadequate funding of law enforcement agencies and low salaries of law enforcement officers, coupled with corruption also weakened the government's ability to address the problem.

Resources to aid victims were also scarce. The government continued to provide space free of charge to the Sezim shelter in Bishkek, which offers shelter both to TIP victims and victims of domestic violence. In 2003, the Mayor's Office in Osh provided a building for the shelter for trafficked and abused women. In 2006, local authorities of Osh allocated space for another shelter for children. The shelter provides support to homeless children, including those deserted by parents who left in search of job opportunities.

Overall, corruption was a critical problem recognized by the government. In 2006, government officials at the highest level made public statements regarding their commitment to eliminate corruption, carried out an anticorruption information campaign through the media, implemented measures to make the operation of government and judiciary more transparent, and simplified procedures for business registration and operation. However, there was no noticeable impact from these measures. In 2005, the government established the Agency for Preventing Corruption and the National Council for Fighting Corruption. The following year, the agency conducted a nationwide survey of corruption within government agencies. Based on the results of the study, the agency released a list of the most corrupt governmental bodies, including the tax and customs agencies, law enforcement bodies, courts, and agencies controlling construction and business licenses. However, no action was taken against corrupt officials as a result of the survey.

¶D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The government, through the State Committee on Employment and Migration Issues (SCME) monitored and analyzed the labor migration situation during the reporting period. A new National Action Plan was passed formalizing the SCME's role as lead agency in tracking and fighting TIP. Under the new National Action Plan, the SCME also chairs a working group composed of other government agencies to

coordinate anti-TIP efforts. However, because of the lack of resources and expertise for conducting such research, no comprehensive and systematic monitoring of TIP issues was established.

In November 2005, the SCME conducted a door-to-door survey. Based on results, they estimated that at least 300,000 Kyrgyz citizens work as labor migrants in Russia and Kazakhstan alone. Since the survey was done in November, when most seasonal workers had returned home, the chairperson of the Committee concluded that the actual number is significantly higher. .

Representatives of government/law enforcement agencies made presentations at various conferences and to the media reporting on work performed. The police's TIP unit and office of the Prosecutor General maintained statistics on the number of cases investigated, and the Court Department maintained statistics on the number of prosecuted traffickers. During the year law enforcement agencies publicized information on prosecution cases through media outlets and at public events devoted to TIP.

As part of the anti-trafficking information campaign, the government and both domestic and international NGOs provided assessments of the TIP situation.

BISHKEK 00000224 007.2 OF 022

INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language [actual copies preferable] of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

The law on Prevention and Combating Trafficking in Persons, adopted in January 2005, and changes to Article 124 of the Criminal Code, introduced in January 2006, outlaw trafficking in persons and specify penalties ranging from three to 20-years imprisonment for those convicted under this article. The 2006 amendment to Art. 124 of the Criminal Code provides protection to TIP victims if they cooperate with law enforcement agencies. Now TIP victims are not prosecuted for document fraud or illegal border crossing if they assist in prosecution of trafficking cases.

The law gives a broad definition of trafficking, including recruiting, transporting, hiding, receiving, transferring or selling a person, or any other illegal transaction performed either with the person's consent or without it, carried out by way of applying force, fraud, cheating, kidnapping for the purpose of exploitation or gaining a profit. The law states the following definition of exploitation: involvement in criminal activity, coercion into prostitution or other forms of sexual activity, forced labor or services, slavery, adoption for commercial purposes, and forced service in armed conflicts.

Thus, the law covers both trafficking for sexual exploitation and trafficking for forced labor, including trafficking of minors; the

law contains a special provision for TIP crime committed in connection with the abuse of official power.

In January 2006, the President enacted the new law on External Labor Migration. The law regulates recruitment of Kyrgyz citizens for work abroad and legal assistance to labor migrants, including cases that pose the danger of trafficking.

In February 2006, the Code on Administrative Responsibility was amended to include a more severe punishment of governmental officials for violating rules of visa issuance to foreigners; this amendment is aimed at preventing trafficking of foreign citizens to Kyrgyzstan.

TIP-related crime is also prosecuted on charges outlined in the following articles of the Criminal Code:

Art. 123 Kidnapping;
Art. 154 - Entering into marriage relations with a person under marriage age (18 years old);
Art. 157 - Involvement of minors in antisocial activities;

BISHKEK 00000224 008.2 OF 022

Art. 204-1 - Organizing illegal migration;
Art. 204-2- Numerous violations of the regulations on recruiting and employing foreigners;
Art. 260 - Recruiting people for purposes of prostitution;
Art. 261 - Establishing and operating brothels for prostitution;
Art. 346 - illegal border crossing;
Art. 350 - document forgery.

These provisions of the Criminal Code are sufficient for prosecution of the full scope of trafficking-related crimes.

Additionally, the following laws cover actions of people interfering with the prosecution process:

-- Criminal Code, Art. 317 - Obstructing the judicial Process: punishment is up to five years in prison;
-- Criminal Code, Art. 318 -Obstructing the investigation: punishment is up to five years in prison;
-- Code on Administrative Responsibility, Art. 77 - Illegal Employment: punishment is a fine of up 70 minimum salaries (Note: one minimum salary is presently equal to \$2.50 End Note);
-- Code on Administrative Responsibility, Art. 315 - False Advertising: punishment is a fine of up 70 minimum salaries;

-- Code on Administrative Responsibility, Art. 391-1 - Illegal trafficking of people through the border: punishment is a fine of up to 50 minimum salaries or dismissal;

On September 9, 2006 the president signed a law, which establishes a system of state protection for witnesses, victims, and other participants of criminal trials. Under this law, testimony from witnesses and other trial participants will also carry greater weight both in the investigation and in court proceedings. Observers believe the law will increase witnesses' willingness to testify. According to Golden Goal, an NGO located in Osh, up to 80 per cent of witnesses refuse to give evidence for fear of retaliation by the accused.

1B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

Traffickers of people for sexual exploitation can be prosecuted sentenced based on the following articles of the Criminal Code:

--Art. 124 - Trafficking in persons: punishment is up to 20 years

imprisonment;

--Art. 204-1 - Organization of Illegal Migration: punishment is up to five years imprisonment;

--Art. 346 - Illegal border crossing: punishment is up to five years in prison;

--Art. 350 - Document forgery: punishment is up to four years in prison.

During the reporting period, 17 criminal cases were opened and investigated, resulting in twelve people convicted of trafficking. According to the Prosecutor General's office, four of these arrests were related to sexual exploitation/prostitution in Russia, Turkey and other countries abroad.

1C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor? If

BISHKEK 00000224 009.2 OF 022

your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country? If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

Labor trafficking offenses are punishable under the following provisions of the law:

--Art. 124 -Trafficking in persons: punishment is up to 20 years imprisonment;

--Art. 204-1 - Organization of Illegal Migration: punishment is up to five years imprisonment;

--Art. 346 - Illegal border crossing: punishment is up to five years in prison;

--Art. 350 - Document forgery: punishment is up to four years in prison.

Additionally, theft, destruction, damage or concealment of documents is punishable under article 348 of the Criminal Code, resulting in a fine of 100-200 minimum monthly wages or confinement of up to six months.

According to IOM and the SCME, victims of labor trafficking outnumbered victims of sexual exploitation last year and the year before. As the economy continues to worsen in Kyrgyzstan and in destination countries such as Kazakhstan and Russia, labor exploitation is expected to continue to rise. Of the seventeen cases opened last year, at least three involved labor trafficking while one was a combination of labor and sexual trafficking. Recruitment companies are required by law to be licensed by the State Committee on Migration and Employment (SCME) which also entails a review by the Ministry of Internal Affairs. Unlicensed agencies, which advertise or recruit workers, are subject to fines and possible criminal actions. Under Kyrgyz law, only licensed agencies may advertise in newspapers. Newspapers are liable if they allow unlicensed agencies to advertise in their publications and may face penalties if caught. According to the Prosecutor General's Office, the SCME actively monitors all print media to ensure only licensed recruitment agencies advertise.

1D. What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA

Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking . . . the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)." END NOTE)

Rape and forcible sexual assault are prosecuted under the following articles of the criminal code:

-- Rape is prosecuted under Art. 129 of the Criminal Code. The punishment is from five to 20 years in prison and can include capital punishment for the rape of a minor. Multiple rapes by a person previously convicted for a similar crime, by a gang of people, especially aggravated by threats of death or bodily injury, or rape of a minor is punished by eight to 15 years;

-- Forcible sexual assault is punished under art. 130 of the Criminal Code with three to 20 years;

BISHKEK 00000224 010.2 OF 022

-- Coercion to perform actions of a sexual nature is punishable under Art. 131, by up to two years in prison;

-- Sexual intercourse or other sexual actions with a person below 16 years old are punished under Art. 132 with up to three years in prison.

This is comparable to sentences in cases of trafficking for commercial sexual exploitation (art. 124, three to 20-years imprisonment).

1E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If not, why not?

During the reporting period, the government reported 92 inspections related to trafficking in persons, 17 investigations which resulted in 14 prosecutions, 12 convictions, and 12 sentences. The defendants were all prosecuted under Article 124 of the Kyrgyz Criminal Code "Trafficking in Persons."

Prosecutions by TIP type:

Child trafficking (note: the sale or kidnapping of children for adoption is considered "trafficking" under Kyrgyz law. End Note)

Number of cases: 7 cases

Number of convictions: four (involving six individuals)

Number of convictions resulting in imprisonment: two, sentences ranged from 4-5 years imprisonment

Number of convictions resulting fines: one, fine of 10,000 Kyrgyz som (approximately \$245 US)

Number of cases dismissed: one

Number of cases where accused was granted amnesty: one

Number of pending cases: one

Labor Trafficking

Number of cases: three

BISHKEK 00000224 011.2 OF 022

Number of convictions: zero, one accused was convicted of organizing illegal migration and sentenced to one year imprisonment instead

Number of cases resulting in acquittal: two

Sexual Trafficking

Number of cases: four

Number of pending cases: one

Number of convictions: two (involving five individuals)

Number of convictions resulting in imprisonment: three, sentences ranged from 3 - 8 years imprisonment

Number of convictions resulting in fines: one, 2000 Kyrgyz som (approximately \$50 US)

--According to the State Committee for Migration and Employment, companies are required to obtain licenses for recruiting people for work abroad, but there were also recruiters operating without a license. According to the Prosecutor General's Office, its staff monitored compliance with TIP legislation by conducting inspections of labor recruiters, issuing orders to reprimand, dismiss or otherwise penalize officials and individuals in TIP-related violations. The Prosecutor General's Office has the right to issue a "Prosecutorial Action" for cases that do not violate the criminal code or result in serious trafficking offenses but are in violation of the civil or administrative code. Such actions include reprimanding/fining publications that allow unlicensed recruiting companies to advertise or reprimanding government officials whose incompetence may lead to trafficking. A recruiting company will receive a Prosecutorial Action if it is found to be recruiting without a license but has not been proven to engage in trafficking. If a government official receives sufficient Prosecutorial Actions, they are dismissed for cause. According to the Prosecutor General's office, they conducted 92 TIP-related inspections, resulting in 296 Prosecutorial Actions in 2008.

11F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials

The government supported a number of training programs for law enforcement officers, governmental officials and NGOs conducted by IOM and other organizations. The MVD Academy and the training center for MVD officers, teaches courses on recognizing and conducting investigations into trafficking-related crimes. In March 2008, Kyrgyzstan signed the threshold agreement to the Millennium Challenge Corporation (MCC). The major focus of MCC's efforts is judicial reform and rule of law. As part of the prosecutorial training conducted by MCC, the Kyrgyz government specifically asked that a TIP module be included as it is

considered a high priority. In summer 2008, IOM completed and distributed a TIP handbook for use by Kyrgyz law enforcement. This handbook, which is used at the MVD training academy for new officers and for other training sessions assist law enforcement officers in identifying TIP victims and referring them to the appropriate agency for assistance.

G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

BISHKEK 00000224 012.2 OF 022

The Kyrgyz government cooperates with other CIS countries within the framework of the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases. Kyrgyzstan has bilateral agreements on legal assistance in civil, family and criminal matters with Latvia, China, the Czech Republic, and Iran. Similar agreements were drafted and forwarded to Finland, Greece, Norway, Netherlands and Poland, and are currently awaiting approval by these governments.

In addition:

-- In October 2006, parliament ratified a Commonwealth of Independent States (CIS) agreement on combating trafficking aimed at coordinating efforts of CIS law enforcement agencies.

-- In May 2008, Kyrgyzstan participated in a second UNODC and OSCE sponsored roundtable in Tashkent, Uzbekistan. This roundtable was a follow-up to a similar event hosted by Kyrgyzstan in December 2007. The roundtable, entitled "Promoting Law Enforcement and Judicial Cooperation Among Source, Transit, and Destination Countries to Combat Human Trafficking and Migrant Smuggling to and from Central Asia," attracted law enforcement and government officials, diplomats, NGO representatives, international organization officials, and experts from each of the five former Soviet Central Asian republics as well as Russia, Thailand, Israel, the United Arab Emirates, and the United States.

The State Committee on Migration and Employment (SCME) continues to cooperate with the Kazakh and Russian governments in protecting Kyrgyz citizens working in those countries. As mentioned previously, the SCME maintains offices in the Russian Federation and Kazakhstan to assist its citizens. It is scheduled to meet in Samara, Russia in April 2009 with Russian government officials to discuss the creation of a "civilized" labor contract for Kyrgyz workers in Russia. Through its work with the governor of Almatynsky Oblast in Kazakhstan, the SCME drastically reduced the number of Kyrgyz citizens working on tobacco farms from an estimated 10,000 to an estimated 3,000. Tobacco farms were noted to be a destination of forced labor trafficking victims. The SCME worked with the Chinese government to secure the release of Kyrgyz citizens held in debt bondage in China.

H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

Under bilateral and multilateral agreements with several NIS countries and China, Kyrgyzstan may extradite foreign citizens charged with criminal offenses, including TIP. Article 13 of the Constitution prohibits the extradition of Kyrgyz citizens to other countries.

Post has no information regarding extradition by the government of traffickers to other countries.

I. Is there evidence of government involvement in or

tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

NGOs reported a perceived tolerance of trafficking by some low-level law enforcement officials, but blame this on a lack of awareness of trafficking issues and a belief among some police officials that most women working as prostitutes do so willingly and are not victims of trafficking.

Corruption also plays an important role in that corrupt officials could easily be bought off by traffickers. However, Post has no evidence of official corruption

BISHKEK 00000224 013.2 OF 022

contributing to the trafficking problem in Kyrgyzstan. If a government employee is arrested or tried, he would be charged under Article 304 Abuse of Official Position rather than trafficking which carries a maximum sentence of up to 12 years imprisonment and confiscation of property. As government officials are not charged under Article 124, Trafficking in Persons, the Prosecutor General's Office did not have any data available regarding government official investigated or convicted of trafficking in persons.

IJ. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

In 2005, the government of Kyrgyzstan established the Agency for Preventing Corruption and the National Council for Fighting Corruption. During the reporting period, there were no arrests or convictions of public officials in trafficking-related crimes. As mentioned in the previous section, the Code on Administrative Responsibility was amended in 2006 to include a more severe punishment of government officials for violating rules of visa issuance to foreigners; this amendment is aimed at preventing trafficking of foreign citizens to Kyrgyzstan. According to Bishkek's Millennium Challenge Corporation (MCC) office, a judicial council was established in 2008 for judicial self-governance and is comprised solely of judges. During the six months it has operated, the council aggressively pursued complaints of unethical behavior on the part of judges which has resulted in the dismissal of four judges.

IK. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Prostitution itself is neither legalized nor outlawed. However, the Criminal Code specifically outlaws the operation of brothels and pimping (art. 261) and the recruitment of people into prostitution (art. 260) with penalties of up to five years imprisonment.

IL. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

The Kyrgyz Republic has not contributed troops to international peacekeeping efforts.

1M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex

BISHKEK 00000224 014.2 OF 022

tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

Kyrgyzstan has not been a destination country for child sex tourism. However, trafficking of children for sexual exploitation remains a concern.

Domestic laws on child sexual abuse do not have extraterritorial coverage.

PROTECTION AND ASSISTANCE TO VICTIMS:

1A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

On September 9, 2006 the president signed a law, which establishes a system of state protection for witnesses, victims, and other participants in criminal trials. Under this law, testimony from witnesses and other trial participants will also carry greater weight both in the investigation and in court proceedings. This law additionally provides amnesty from prosecution of migration and related offenses should the victims cooperate with the investigation. Observers believe the law will increase witnesses' willingness to testify. According to Golden Goal, up to 80 per cent of witnesses refuse to give evidence for fear of retaliation by the accused.

Another provision of the Criminal and Procedural Code (point 4 of Article 12) provides for some measures ensuring the security and safety of victims and witnesses: "When there is sufficient information that a witness or other participant of the legal process is threatened with violence, destruction or damage to his property or other dangerous illegal actions, the court, the procurator, the investigator and the investigation body must, within the framework of their competence, undertake measures outlined by the law to protect the life, health, honor, dignity and property of such persons."

In practice, these measures are only occasionally enforced due to a lack of resources at all levels to provide such protection. To better enforce compliance, the Prosecutor General sent a directive urging full compliance with the provisions of the law concerning protection of witnesses.

As mentioned previously, the government does not operate any shelters or assistance programs of its own. However, there is a referral mechanism for victims of trafficking to shelters and programs run by NGOs and international organizations such as IOM. As mentioned previously, the Sezim shelter in Bishkek provided the following assistance to victims of trafficking in 2008:

20 victims received psychological assistance
6 victims received specialty vocational training
20 victims received social assistance
13 victims received medical assistance

The NGO Sezim also received 62 calls to their hot line during 2008.

By the year's end, IOM provided assistance to 117 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and financial support through monthly stipends.

1B. Does the country have victim care facilities

BISHKEK 00000224 015.2 OF 022

(shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

While the government of Kyrgyzstan itself does not provide victim care facilities, it does continue to provide space for three shelters - one in Bishkek and two in Osh, which are operated by local NGOs. All of these shelters provide specific assistance to victims of trafficking, and one of the shelters in Osh is specifically for children. Foreign victims as well domestic victims are able to receive assistance. These organizations are privately funded from international donors and from private sources. During 2008 the Sezim shelter in Bishkek provided the following assistance to victims of trafficking:

20 victims received psychological assistance
6 victims received specialty vocational training
20 victims received social assistance
13 victims received medical assistance

The NGO Sezim also received 62 calls to their hot line during 2008. Sezim will provide assistance to male victims of trafficking but lacks a separate shelter for male victims to live in.

By the year's end, IOM provided assistance to 117 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and financial support through monthly stipends.

1C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

As stated previously, the Kyrgyz government does not operate its own shelters or assistance services. However, Kyrgyz NGO's report active cooperation between their organizations and government officials. Kyrgyz law enforcement officials refer victims of trafficking to various NGOs who are able to provide legal, medical and psychological assistance. The government supports these groups often by providing free office space, free utilizes and other payment in kind.

1D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

As source country for TIP, Kyrgyzstan reports few incidents of foreigners being trafficked with Kyrgyzstan as the final destination. The majority of trafficking victims are Kyrgyz citizens themselves. The few reported foreign trafficking victims are usually from Uzbekistan, Turkmenistan and Tajikistan and usually are en

BISHKEK 00000224 016.2 OF 022

route to a third destination. As citizens of the Commonwealth of Independent States (CIS), Uzbek and Tajik citizens do not require visas to travel or remain in Kyrgyzstan. All victims of trafficking are eligible for amnesty from any migration violations provided they cooperate with trafficking investigations. All victims of trafficking are able to receive assistance from the various NGOs and international organizations who aid victims of trafficking.

E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

The government does not provide medical aid, shelter or financial help to its repatriated nationals who are victims of trafficking. It lacks funding, personnel and training to do so. However, the Government does cooperate with NGOs and international organizations such as IOM which are able to provide such assistance and refers returned trafficking victims to shelters.

F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

As mentioned previously, the government does not operate any shelters or assistance programs of its own. However, there is a referral mechanism for victims of trafficking to shelters and programs run by NGOs and international organizations such as IOM. According to IOM, 20 of 36 (or 56%) victims of trafficking were referred by the Kyrgyz government for assistance.

G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

By the year's end, IOM provided assistance to 117 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and financial support through monthly stipends. 54 of these victims were identified through call to Kyrgyzstan's National TIP Hotline. 20 of victims were referred by Kyrgyz government officials.

H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

The Ministry of Internal Affairs (MVD), the National Border Service, and the National Security Service have each developed systems for victims of trafficking to be referred to appropriate shelters. Recent training conducted by IOM which included a TIP handbook focused specifically on victim identification. The head of the Sezim shelter in Bishkek reported a good level of cooperation with these agencies and an increasing number of referrals from law

enforcement officials during the reporting period.

While Kyrgyzstan has not legalized prostitution, it has not outlawed it either. Existing legislation makes it illegal to recruit someone

BISHKEK 00000224 017.2 OF 022

for prostitution, operate a brothel or act as a pimp. Kyrgyzstan does not have a mechanism for screening trafficking victims from legal commercial sex workers as there is no regulated commercial sex trade.

II. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Victims of trafficking are afforded protection from prosecution should they cooperate with law enforcement. During the reporting period, there have been no reports of the detention of trafficking victims. In the majority of trafficking cases, the victims are Kyrgyz citizens themselves who are trafficked either abroad or within the country. Prostitution and other labor violations committed abroad are not prosecuted within Kyrgyzstan. Once identified, victims are able to receive assistance from Sezim, Golden Goal or other NGOs.

IJ. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

The government does encourage victims to assist in the investigation and prosecution of trafficking. Under Article 50 of the Criminal and Procedural Code, a victim has the right to assist in the investigation and prosecution of trafficking by providing evidence, participating in investigative activities, providing comments to reports on investigative activity with his/her involvement; he/she has the right to access all investigation materials, participate in court proceedings and appeal court decisions. Victims have the right to file civil suits against traffickers.

Post has no information on whether victims' access to legal redress is impeded, because this legal redress is not yet available. If a victim is a material witness in a court case against a former employer, the victim is not permitted to leave the country. There is no victim restitution program.

IK. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

The MVD Academy, the training center for MVD personnel, has training courses on recognizing and investigating trafficking-related crimes. The Interagency Training Center, part of the National Border Service, provides training on combating crime related to illegal migration, drug trafficking and human trafficking.

The MFA during the reporting period instructed its embassies and

BISHKEK 00000224 018.2 OF 022

consulates located in destination countries to do all that they could to cooperate with local law enforcement bodies to investigate trafficking cases and to assist Kyrgyz victims of trafficking. Embassies and consulates in destination countries have a good relationship with IOM, which assists with the return of trafficking victims who are Kyrgyz citizens to Kyrgyzstan. During the reporting period, Kyrgyz Embassies abroad and IOM reported a total of 134 repatriations of Kyrgyz victims of trafficking back to Kyrgyzstan. Assistance ranged from providing travel documents to locating funding for return travel.

11. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

The government does not provide medical aid, shelter or financial help to its repatriated nationals who are victims of trafficking. It lacks funding, personnel and training to do so. However, the Government does cooperate with NGOs and international organizations such as IOM which are able to provide such assistance and refers returned trafficking victims to shelters.

11. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

A number of international and domestic NGOs work with trafficking victims in Kyrgyzstan:

-- IOM, with its offices in Bishkek and Osh, assists and funds the return of victims of trafficking to Kyrgyzstan. In 2008, IOM concluded a 27-month Program on Combating Trafficking in Human Beings, funded by USAID.

IOM works in partnership with 28 domestic NGOs on various aspects of the labor migration/trafficking problem. By year's end, IOM provided assistance to 117 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, as well as monthly stipends.

-- The Eurasia Foundation, through four NGO partners, provided legal advice to labor migrants, assisted the SCME in developing public policy and assessed training needs of potential labor migrants. One of NGO partners stationed in Yekaterinburg gathered information about job opportunities in Russia, and provided consultations and legal advice to Kyrgyz labor migrants in Yekaterinburg.

-- NGOs such as Sezim, Golden Goal, Podruga, Ulybka and Adilet Legal Clinic, provide legal, medical and counseling services for trafficking victims.

-- The Sezim shelter in Bishkek and six other shelters for female victims of domestic violence (one each in Talas, Jalalabad, Cholpon Ata, Naryn, and two shelters in Osh) also provide shelter for TIP victims.

--During the reporting period the Sezim shelter in Bishkek provided shelter to female TIP victims.

-- The Elsen NGO operating the toll-free 189 hot line received about 3,014 calls from potential labor migrants and provided legal guidance and employment information in Bishkek and Chui Oblast. The national hot line is staffed by different NGOs in different oblasts and reported a total of 8,000 calls nationwide during the reporting period.

--The NGO Golden Goal based in Osh focuses on protecting the rights of young people, including giving free consultations regarding external labor migration. The NGO also publishes information on

finding employment abroad without falling into the hands of traffickers.

In September 2007, the European Commission announced support for two new anti-trafficking projects. With a focus on southern Kyrgyzstan, the first of the two projects trains local teachers in Osh, Jalalabad and Batken in how to increase awareness and help prevent human trafficking. The second project will train local governments, law enforcement agencies and NGOs in fighting human trafficking.

PREVENTION:

¶A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

During the rating period, the government supported and/or participated in a number of information and education anti-TIP programs jointly with international and domestic NGOs:

-- Jointly with IOM and USAID, the government continued to publish a number of information materials in the Kyrgyz and Russian languages for those seeking jobs abroad or those currently abroad and facing difficulties. A variety of brochures, booklets, leaflets, and "The Migration Bulletin" newspaper provide information on how to avoid being trafficked, about relevant laws and regulations, IOM hot lines operating in several countries, and the "Stop Traffic" hot line in Kyrgyzstan. Brochures were available in Kyrgyz and Russian, and country specific for employment in Turkey, Kazakhstan, and Russia, for example. Also available is contact information for the offices of the SCME, Kyrgyz diplomatic missions abroad and Kyrgyz Diasporas in Russia. These materials are readily available at the office of the "189" hot line and at five labor migrant support centers (four in Kyrgyzstan and one in Yekaterinburg, Russia). Brochures and leaflets are distributed by volunteers at railway stations and available at departure lounges at airports. The State Committee on Migration and Employment also distributes materials when making outreach trips to rural villages - leaving large supplies behind with village councils for distribution.

-- In June 2006, the government, jointly with IOM and several foreign donors, began USAID-sponsored TIP information and victims assistance campaigns. During the reporting period, the government continued to support these programs. As part of the campaign, the government provided office space and allocated a toll-free phone line (189 in Bishkek, Karakol, Talas, Osh and Jalalabad, or 104 in Naryn and Batken), which offered information in Kyrgyz and Russian languages about regulations and laws for labor migrants and tips about employment opportunities abroad. Since the hot line was established, over 9,000 people have received advice and consultations.

-- In November 2006, Golden Goal and the OSCE launched a website (<http://www.antitraffickingdolina.net>) aimed primarily at Ferghana Valley residents. The website provides information on combating trafficking, including anti-trafficking programs implemented in the region, helpline information for TIP victims, relevant laws on trafficking and other useful information. The site also serves as a venue for information sharing between Kyrgyz, Uzbek and Tajik NGOs involved in anti-trafficking activities.

-- IOM continued a 27-month USAID-funded Program on Combating Trafficking in Human Beings.

-- The Eurasia Foundation Office in Bishkek continued implementing a project to support Kyrgyz labor migrants. Through four NGO partners, Eurasia Foundation provided legal advice to labor migrants, assisted the SCME in developing public policy and assessed training needs of Kyrgyz labor migrants.

-- Public schools and higher educational institutions either have a separate course on TIP in their curriculum or discuss TIP issues as part of courses on "Safe Life and Basics of Healthy Lifestyles." The school course on "We and the Law" contains a two-hour session on preventing TIP.

-- The president appointed a representative in the parliament for gender issues. The responsibility of this official is to ensure that all legislative acts give due respect to the rights of women.

--The government continued to support several programs aimed at, among other things, keeping children in school. Such programs are: the New Generation, Jashtyk (Youth), Jetkinchek (Access to Education).

--The State Commission on the Affairs of Under-Age Children disseminates information nationwide regarding children's rights.

IB. Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

The State Committee on Migration and Employment (SCME) routinely tracks migration and foreign employment data as part of its mandate. While the main focus is not fighting TIP, the SCME uses the data it collects in its anti-TIP efforts. Efforts were made in the fall of 2007 to begin to track the number of Kyrgyz citizens abroad. According to press reports, the Parliamentary committee on migration was tasked with conducting a census on the number of Kyrgyz citizen abroad. Press reports and official statement state that approximately 400,000 - 500,000 Kyrgyz citizens work abroad.

IC. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

Under the State Committee on Migration and Employment (SCME) there is a working group on fighting human trafficking which consists of representatives from various government agencies and NGOs. It is the government body organization that coordinates for communication and coordination. While the SCME informally has held this role for the past several years, the newly passed National Action Plan formalizes its role to increase inter-agency cooperation

According to NGO representatives, relations between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue were good. Throughout the year, the government repeatedly directed government agencies at all levels to cooperate actively with and assist NGOs working on fighting TIP. Although lack of resources at every level limited the government's ability to combat all forms of crime, including TIP, the government displayed a willingness to work closely with NGOs around the country on prevention programs, mainly in the form of educational and information campaigns and training for police, office of the prosecutor and other government officials.

Representatives of central and local governments frequently participated in anti-trafficking programs carried out by NGOs, provided grantees free space for conducting trainings and seminars, and assisted in organizing events and

advertising for them. NGOs working on trafficking issues reported that they are generally satisfied with the level of cooperation they receive from both national and local government agencies as well as law enforcement bodies. The director of the Sezim shelter recognized the improvement of relations between NGOs and law enforcement agencies, which often seek advice on how to handle TIP issues and refer victims to shelters.

1D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

In September 2008, the Kyrgyz Parliament passed a National Action Plan for 2008 - 2011 for combating TIP. Its goal is to enhance the effectiveness in countering trafficking in persons through prevention, victim identification, prosecution, and to provide increased social protections and assistance to victims. Its immediate goals are:

- updating TIP legislation, including related criminal codes
- increased public awareness through more information campaigns
- prosecuting TIP crimes
- providing assistance to TIP victims

Under this National Action Plan, the State Committee on Migration and Employment (SCME) is the main coordinating body on TIP issues. It will continue its work with the Ministry of Internal Affairs, the Office of the Prosecutor General, the National Security Service, the National Border Service, the Customs Agency, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Labor and Social Protection, the Ministry of Health, and local administrations of local self-governance bodies. The National Action Plan lays out a schedule for each of its stated goals, listing indicators, responsible parties and expected completion dates. The SCME consulted with the NGOs and international organizations in Kyrgyzstan that are involved in TIP while drafting the Plan. At a recent meeting, the SCME Chairperson stated that she and the SCME had carefully reviewed the 2008 Annual TIP report and took the recommendations stated therein seriously while drafting the Plan. She stated the SCME wanted to achieve the benchmarks listed in the report and resolve the areas of concern. As stated previously, the National Action Plan was passed by the Kyrgyz Parliament in September 2008 and work is already underway. The National Action Plan supports the previous law on Trafficking in Persons.

the Law on Prevention and Combating Trafficking in Persons, which the National Action plan supplements, stipulates the legal aspects of preventing and combating trafficking, provides guidelines for coordination of the efforts of law enforcement agencies involved in such activities, outlines measures for victim protection and support, and designates a special entity for preventing and fighting TIP, which consists of representatives of the government, NGOs and international organizations. According to the law, the responsibilities of this entity include: developing and implementing the state policy on fighting trafficking; gathering and analyzing the information regarding the magnitude and trends in trafficking; overseeing the operation of agencies and institutions tasked with prevention and fighting TIP; participating in drafting TIP-related international documents; making proposals on improving existing TIP-related laws; and organizing TIP-awareness campaigns. The law describes specific functions of the following governmental agencies involved in anti-TIP activities: the Office of the Prosecutor General, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the National Security Service, the National Border Service, the Customs Agency, the Ministry of Labor and Social Protection, the Ministry of Education, the Ministry of Health, and local administrations. The law includes measures for victim protection.

BISHKEK 00000224 022.2 OF 022

E: What measures has the government taken during the reporting period to reduce the demand for commercial sex

acts? (see ref B, para. 9(3) for examples)

Kyrgyzstan has continued to prosecute cases under existing legislation. No new initiatives have been taken during this reporting period.

11F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

Nationals of Kyrgyzstan are not reported as participating in international child sex tourism.

End Text.

GFOELLER